

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

WALTER EDWARD LEMM, JR.,

Plaintiff,

vs.

NEW YORK COMMUNITY BANCORP,
INC., THOMAS R. CANGEMI, and JOHN J.
PINTO,

Defendants.

ROBERT GARFIELD, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

FLAGSTAR FINANCIAL, INC. f/k/a NEW
YORK COMMUNITY BANCORP, INC.,
THOMAS R. CANGEMI, JOHN J. PINTO,
ROBERT WANN, ALESSANDRO P.
DINELLO, DOMINICK CIAMPA, HANIF W.
DAHYA, LESLIE D. DUNN, JAMES J.
O'DONOVAN, LAWRENCE ROSANO, JR.,
RONALD A. ROSENFELD, DAVID
TREADWELL, and LAWRENCE J.
SAVARESE,

Defendants.

No.: 24-cv-00903-NRM-JRC

CLASS ACTION

JURY TRIAL DEMANDED

No.: 24-cv-08655

CLASS ACTION

JURY TRIAL DEMANDED

**NOTICE OF MOTION AND MOTION OF PLAINTIFF ROBERT GARFIELD'S
MOTION TO CONSOLIDATE, VACATE PRIOR LEAD PLAINTIFF AND
LEAD COUNSEL APPROVAL ORDER AND ORDER REOPENING OF THE
PSLRA LEAD PLAINTIFF AND LEAD COUNSEL APPROVAL PROCESS**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Plaintiff Robert Garfield (“Plaintiff” or “Mr. Garfield”) respectfully moves this Court pursuant to Rules 42 of the Federal Rules of Civil Procedure and 15 U.S.C. §77z-1 *et seq.* (“PSLRA”) for entry of an Order: (1) consolidating the above-captioned related actions (the “Related Actions”) pursuant to Rule 42 of the Federal Rules of Civil Procedure; (2) vacating the prior Order appointing Lead Plaintiff and Lead Counsel in the *Lemm* action [ECF No. 44]; (3) reopening the lead plaintiff and lead counsel process; and (4) granting such other and further relief as the Court may deem just and proper.

This Motion is made on the grounds that the September 25, 2024 Amended Consolidated Class Action Complaint For Violations of the Federal Securities Laws (the “ACC”), filed without Court approval, materially altered the prior Class Period and the prior Class and added a new “Named Plaintiff” for never-before asserted claims, such that large numbers of potential Class members never received notice under the PSLRA of their right to participate in a vastly reconfigured action of this nature, as required by the PSLRA.

This Motion is based upon the accompanying supporting Memorandum of Law, the concurrently filed Declaration of Laurence D. Paskowitz, the pleadings and other filings herein and such other written or oral arguments as may be permitted by the Court.¹

WHEREFORE, Plaintiff Robert Garfield respectfully requests that the court grant this motion and enter an Order: (1) consolidating the above-captioned related actions (the “Related

¹ Given the unique issue that is raised by this motion and in light of the pendency of the Motion for Reconsideration of the Order on Lead Plaintiff and Lead Counsel [ECF Nos. 46, 47] undersigned counsel respectfully requests that compliance with this Court’s Individual Practice Rule 5.2.3 (requiring parties to refrain from filing motion papers until the motion has been fully briefed) be waived in this case.

Actions”) pursuant to Rule 42 of the Federal Rules of Civil Procedure; (2) vacating the prior Order appointing Lead Plaintiff and Lead Counsel in the *Lemm* action [ECF No. 44]; (3) reopening the lead plaintiff and lead counsel process to identify and appoint a Lead Plaintiff and Lead Counsel to represent the vastly altered Class and the newly asserted and different claims; and (4) granting such other and further relief as the Court may deem just and proper.

Dated: December 19, 2024

Respectfully submitted,

THE PASKOWITZ LAW FIRM P.C.

/s/ Laurence D. Paskowitz

Laurence D. Paskowitz

The Contour

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